

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5854 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MAHADEVMAL HARUMAL MANGALANI

Versus

VIRAMGAM MUNICIPALITY

Appearance:

MR KETAN D. SHAH FOR MR GR UDHWANI for Petitioner
MR MB FAROOQUI for Respondent No. 1
MR MUKESH PATEL ASST.GOVERNMENT PLEADER for
Respondent No.2-5

CORAM : MR.JUSTICE R.BALIA.

Date of decision: 03/04/97

ORAL JUDGEMENT

1. Parties are in agreement that this petition is similar to Special Civil Application No.316 of 1996 which was decided on 15.3.1996 and may be decided in the like manner.

2. This petition has been filed for a direction to respondent No.1 for treating him in the like manner as person similarly situated have been treated in the matter of reallocation of space for cabin for carrying out the business. According to the petitioner, he was doing business in the cabin for a long time and under the apprehended threat of being evicted the cabin was removed. The respondents are now reallocating the space for cabin to other persons under a scheme formed in pursuance of the suggestion made by the court on November 27, 1995.

3. In Special Civil Application No. 316 of 1996, the Court observed that if the petitioner is similarly situated in the matter of carrying out business in the cabin whether he has been evicted forcibly or voluntarily removed his cabin, respondents are under the obligation to treat similarly along with other persons while carrying out the directions of this Court in Special Civil Application Nos. 7098, 7109, 7223 and 7224 of 1995. The Court further observed that it is expected of the respondents that the same treatment shall be offered to all the similarly situated persons without compelling individuals to knock the doors of the court which they have agreed to offer before the court in pending petitions, to the petitioners in those cases, in the matter of considering fresh allotment of space for cabin, for running their business. These principles equally apply to the case of the petitioner. With the aforesaid observations, this petition stands disposed off. No order as to costs. Direct service permitted.
